IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

C.W.P. No. 13700 of 2007
DATE OF DECISION: 6.9.2007

M/s V.K. Milk Chilling Centre

…Petitioner

Versus

Punjab Financial Corporation Bank and others

…Respondents

CORAM: HON'BLE MR. JUSTICE M.M. KUMAR

HON'BLE MR. JUSTICE AJAY KUMAR MITTAL

Present: Mr. M.K. Mittal, Advocate,
for the petitioner.

M.M. KUMAR, J.

The prayer made in this petition filed under Article 226 of the Constitution is to quash order dated 14.8.2007 (P-4) by issuing directions to the respondents to accept the settlement amount, which was entered into in pursuance to the scheme of One Time Settlement. A perusal of settlement, dated 31.7.2003 (P-1), shows that 20 monthly cheques of Rs. 33,100/- each were required to be paid from 31.7.2003 to 28.2.2005 and three monthly cheques of Rs. 33,000/- each were required to be paid from 31.3.2005 to 31.5.2005. Both the aforementioned payments were in addition to interest w.e.f. 1.6.2003, which was payable in the months of March, June and December. The payments as depicted in para 7 of the petition do not show that the

schedule of payment as per the settlement has been adhered to by the petitioner and default has been committed resulting in operation of clause of settlement dated 31.7.2003 (P-1) that the whole payment as per the books of account of the Corporation was to be paid. Accordingly, we find that the respondent Corporation has rightly rejected the request made by the petitioner to accept the amount of settlement after committing default by the petitioner in making the payment in accordance with the terms of One Time Settlement (P-1).

Having heard learned counsel for the petitioner, we do not find any merit in the petition. The petitioner after committing default cannot be allowed to say after four years that he should be permitted to deposit the amount as per the settlement dated 31.7.2003 (P-1). The writ petition is devoid of merit and the same is accordingly dismissed.

(M.M. KUMAR)
JUDGE

(AJAY KUMAR MITTAL)
JUDGE

September 6, 2007
Pkapoor